IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION NO. 3 OF 2005

Floriano C. Lobo,
Moira, Bardez, Goa. ... Petitioner

versus

1. State of Goa, through
   Chief Secretary,
   Secretariat, Porvorim,
   Goa.

2. The Municipal Council,
   Mapusa, Goa.

3. Village Panchayat of
   Bastora, Bardez, Goa.

4. Village Panchayat of
   Guirim, Bardez, Goa.

5. Goa State Pollution
   Control Board, through
   its Member Secretary,
   having office at Patto
   Plaza, Panaji-Goa. ... Respondents

Mr. M. S. Sonak, Amicus Curiae.

Mr. S. S. Kantak, Advocate General with Ms. L. Dharwadkar, Additional Government Advocate for the Respondent No.1.

Mr. A. N. S. Nadkarni with Mr. H. D. Naik, Advocates for the Respondent No.2.

Mr. J. A. Lobo, Advocate for the Respondent No.3.

Mr. J. Lobo, Advocate for the Respondent No.5.

CORAM : A. P. LAVANDE &
N. A. BRITTO, JJ.

DATE : 3RD MAY, 2006.

ORAL ORDER(Per N. A. Britto, J.)

Heard Mr. M. S. Sonak, the learned Amicus Curiae on behalf of the petitioner, Mr. S. S. Kantak, the learned Advocate General on behalf of the respondent no.1 and Mr. H. D. Naik, the learned Counsel on behalf of the respondent no.2.

2. The grievance of the petitioner is that the truck loads of garbage which were being unloaded along the site of National Highway No.17 bordering the Mapusa river etc. have been redressed after various orders were passed by this Court from time to time. By Order dated 5-12-2005 it was made clear that in case dumping of the said garbage was done by private contractors the respondent no.2-Municipality should proceed against such contractors who are violating the Municipal Solid Waste Management Handling Rules 2000 and take strict action

against them according to the provisions of the Rules and that the Chief Officer of the Municipal Council should ensure that one and all residing in the Municipal area comply with the guidelines/rules without any exception since the dumping of garbage and waste material at a place not meant for dumping, undoubtedly causes big health hazard and creates lot of health problems so far as the people residing nearby such areas. It was also made clear that it was a joint responsibility of the State Government as well as the local Government to ensure that one and all must comply with the provisions of Municipal Council Solid Waste Management Handling Rules 2000 and that no Municipal Council/Chief Officer should avoid to take action against persons private or otherwise who violate the said guidelines and that the Municipal Councils/Panchayats and particularly the Chief Officers must personally look into those aspects and ensure strict compliance of the 2000 Rules.

3. Our attention has been drawn to certain directions issued by this Court in the case of **Claudio Fernandes** v. **State of Goa** (2004 GLR 377) and the Director of Municipal Administration has filed an affidavit. Although, the said

directions in the said Writ Petition in the case of **Claudio Fernandes** v. **State of Goa**(supra) were issued by this Court on or about 30-7-2003 no compliance report has been filed.

4. We direct the Director of Municipal Administration to ensure complete compliance of the said directions within a period of three months. We further direct the Director of Municipal Administration to ensure that the Chief Officers of the respective Municipal Councils constitute Committees which may include N.G.O's to supervise the implementations of the directions given by this Court in the said Writ Petition of **Claudio Fernandes** v. **State of Goa**(supra) whether in relation to garbage disposal or implementation of 2000 Rules or any other direction given to the Municipal Councils. A copy of the affidavit filed by the Director of Municipal Administration dated 2-5-2006 be placed in Writ Petition Nos.417/2002 and 28/2003 and the said Writ Petitions be placed before this Court for further orders as regards compliance of the directions thereby given after a period of three months. Proceedings in this Writ Petition shall stand closed.

5. Copy of this Order be placed in the said case of Claudio Fernandes(Writ Petition Nos.417/2002 and 28/2003).

A. P. LAVANDE, J.

N. A. BRITTO, J.

RD